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August 20, 2021

BY ECF

Honorable Jesse M. Furman
United States District Judge
United States District Court, Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

**Re: *Fuld, et al. v. The Palestine Liberation Organization, et al.*,
Case No. 1:20-cv-03374 (JMF)**

Dear Judge Furman:

We are counsel to Defendants Palestine Liberation Organization and the Palestinian Authority (“Defendants”) in this matter. On July 23, 2021, the United States filed its brief in defense of the PSJVT A [ECF 53] (“U.S. Brief”). This occurred *after* the parties had already submitted briefs on the constitutionality of the PSJVT A. The United States’ brief asserts new arguments not addressed in the prior briefing. As such, Defendants respectfully seek leave to file a response brief of up to ten pages within two weeks, or as ordered by the Court.

Alternatively, Defendants respectfully ask this Court to take judicial notice of Defendants’ Memorandum of Law in Support of Defendants’ Motion to Dismiss for Lack of Personal Jurisdiction in *Shatsky v. PLO*, No. 18-12355 (MKV) (DCF) (S.D.N.Y.) [ECF 116], which (particularly at pages 14-15 and 22-23) discusses the U.S. Brief. In these circumstances, judicial notice would be appropriate. *See McCulloch Orthopaedic Surgical Servs., PLLC v. Aetna Inc.*, 857 F.3d 141, 148 (2d Cir. 2017) (taking judicial notice of an *amicus* brief filed in a companion case with identical issues); *In re Enter. Mtge. Acceptance Co., LLC, Sec. Litig.*, 391 F.3d 401, 410 n.8 (2d Cir. 2004) (same); *see also Hicks v. Bellnier*, 43 F. Supp. 3d 214, 226 (E.D.N.Y. 2014) (“the Court has taken judicial notice of the brief filed by his appellate counsel before the Second Department, which argues the same four grounds raised in this Petition, and considered the arguments articulated there to the fullest extent possible in this action.”).

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Respectfully submitted,

Squire Patton Boggs (US) LLP



Gassan A. Baloul

cc: All counsel (by ECF)